

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON SHEPPARD, )  
Petitioner, )  
vs. ) Civ. No. 13-1667  
United States of America. ) Crim. No. 10-119  
 )

**MEMORANDUM OPINION AND ORDER**

On March 5, 2014, we issued a Memorandum Opinion and Order denying Petitioner's Motion to Vacate, Set Aside or Correct a Sentence Pursuant to 28 U.S.C. §2255 ("Petitioner's §2255 Motion to Vacate") and granting the Government's Motion to Dismiss Petitioner's original § 2255 Motion to Vacate. Thereafter, on March 6, 2014, we received in the mail from Petitioner a letter dated March 3, 2014 and a "Motion to Supplement Federal Habeas Corpus 2255 Motion." We instructed the Court of Clerk to file the two (2) documents and treated Petitioner's motion as a Motion for Reconsideration of our decision to deny Petitioner's §2255 Motion to Vacate and to grant the Government's Motion to Dismiss Petitioner's §2255 Motion. On March 11, 2014, we denied the Motion for Reconsideration and on April 3, 2014, Petitioner appealed our March 5, 2014 Order denying his §2255 Motion to Vacate.

On May 27, 2014, we received correspondence from Petitioner which he asked that we make part of the record; we did so. On June 3, 2014, we received from Petitioner a "Notice to Court regarding New Evidence," with many exhibits attached, which we also filed. On June 25, 2014, we received, and had docketed as a Second Motion for Reconsideration, a letter from Petitioner dated June 22, 2014. All of these documents are related in that in said papers,

Petitioner is arguing that his original defense counsel, Gary Gerson, had a conflict of interest that Petitioner was unaware of at the time he filed his original §2255 Motion to Vacate.

To date, the appellate court has not ruled upon Petitioner's appeal. Contrary to Petitioner's contention in his Second Motion for Reconsideration, we do not "have the power to pull [Petitioner's] case from the 3<sup>rd</sup> Circuit." Accordingly, Petitioner's Second Motion for Reconsideration must be denied for lack of jurisdiction over the matter.

ORDER

AND NOW, this 4<sup>th</sup> day of August, 2014, it is HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner's Second Motion for Reconsideration of Denial of Petitioner's Motion to Vacate, Set Aside or Correct a Sentence Pursuant to 28 U.S.C. §2255 [ECF#89] is DENIED.

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior District Court Judge

cc: Jason Sheppard  
32102-068  
Lexington Federal Medical Center  
Inmate Mail/Parcels  
Box 14500  
Lexington, KY 40512